

Federal Communications Commission

DA 00-2363

2000 OCT 23 P 3: 03

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of LIVED)
)
Amendment of Section 73.202(b),) MM Docket No. 00-92
Table of Allotments,) RM-9857
FM Broadcast Stations.)
(Dos Palos and Livingston, California))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 11, 2000

Released: October 20, 2000

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the Notice of Proposed Rule Making, 15 FCC Rcd 9142 (2000), issued in response to a request filed on behalf of All American Broadcasting, Inc. ("petitioner"), licensee of FM Station KNTO, Channel 240A, Livingston, California, proposing the reallocation of Channel 240A from Livingston to Dos Palos, California, as that community's first local aural transmission service and modification of its authorization accordingly. Petitioner filed supporting comments in response to the Notice. No other comments were received.

2. This proposal is filed pursuant to Section 1.420(i) of the Commission's Rules. See Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community"), 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990). This would enable petitioner to provide Dos Palos (pop. 4,196), an incorporated community that is not associated with an urbanized area, with its first local aural transmission service, and would not leave Livingston devoid of local service.² The proposed reallocation of Channel 240A to Dos Palos is mutually exclusive with its existing authorization at Livingston. The distance between the two communities is 27.7 kilometers (17 miles) whereas a minimum distance of 115 kilometers (71 miles) is required in this instance.

3. In the Notice, we noted that as petitioner's proposal would relocate its transmitter for Station KNTO, it would create a loss area containing 156,405 people within an area of 1,065 square

¹ Population figures reported herein were taken from the 1990 U.S. Census Reports.

² Noncommercial educational Stations KLVN, Channel 202A and KYCC, Channel 206A are licensed at Livingston.

kilometers at Livingston, while gaining 29,524 people in an area of 1,739 square kilometers at Dos Palos. Although the proposal would produce a net loss of 126,881 people presently receiving service, both the loss and gain areas receive at least five fulltime reception services, and therefore are considered well served.

4. Based upon the above, as the petitioner's reallocation request is consistent with the provisions of Section 1.420(i) of the Commission's Rules, we will reallocate Channel 240A from Livingston to Dos Palos, California, and modify the license for Station KNTD, as requested. The reallocation will result in a preferential arrangement of allocations consistent with the Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982),³ as it will provide a first local aural transmission service to Dos Palos (priority three) and is favored over retaining Channel 240A at Livingston (priority four).

5. Channel 240A can be allocated to Dos Palos consistent with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, at the petitioner's specified site located 14.5 kilometers (9.0 miles) northwest of the community at coordinates 37-04-03 NL and 120-44-52 WL.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 4, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Dos Palos, California	240A
Livingston, California	--

7. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the authorization of All American Broadcasting, Inc. for Station KNTD (File No. BLH-19841113KK), IS MODIFIED to specify operation on Channel 240A at Dos Palos, California, in lieu of Livingston, California, subject to the following conditions:

³ The allocation priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).]

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m) of the Commission's Rules, any party seeking a change in community of license of a television or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, All American Broadcasting, Inc., licensee of Station KNTD(FM), is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license at Dos Palos, California.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau